

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**NV Energy Construction Staging Area at Dean Martin and
Cactus**

**DOI-BLM-NV-S010-2015-0146-CX
N-77530-02**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
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Las Vegas, Nevada 89130
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Categorical Exclusion Documentation

BLM Office:	Las Vegas Field Office	Serial Number:	N-77530-02
	4701 N. Torrey Pines Dr Las Vegas, Nevada 89130	NEPA Number:	DOI-BLM-NV-S010-2015-0146-CX

Introduction

Title and Type of Project

NV Energy Construction Staging Area at Dean Martin and Cactus Short Term Right-of-Way

Location of Proposed Action

Located near the intersection of Dean Martin and Cactus

T. 22 S., R. 61 E., sec 32, SE¼NW¼NE¼NW¼.

Applicant Name

Nevada Power Company d/b/a/ NV Energy

Background

Description of Project

NV Energy has requested a Short Term Right-of-Way measuring 20' wide by 28' long staging area for construction purposes of replacing conduit underground for existing Right-of-Way N-77530.

This project is necessary to allow NV Energy to install the new conduit to service a new subdivision.

Construction is expected to take approximately 6 weeks upon being granted.

The work force, anticipated to include an estimated 3 to 6 people, which include lineman, laborers and equipment operators.

Construction equipment will include trucks, boom truck, wire pull truck, backhoe and small trucks.

Stipulations

Section 7 Consultation for this project is covered under the Programmatic Biological Opinion (84320-2010-F-0365.R003) contingent on compliance with the terms and conditions. Terms and conditions and minimization measures in the above Biological Opinion contain measures to avoid and minimize potential impacts, including take, to desert tortoise.

Land Use Conformance

Land Use Plan: Las Vegas Resource Management Plan	Date Approved: October 1998
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Land Use Conformance Summary

The proposed action is in conformance with the Las Vegas Resource Management Plan Land Use Plan, even though it is not specifically provided for because it is clearly consistent with the following LUP decision, objective, and management direction:

RMP Management Direction

Objective LD-2. All public lands within the planning area, unless otherwise classified, segregated or withdrawn, and with the exception of Areas of Critical Environmental Concern and Wilderness Study Areas, are available at the discretion of the agency, for land use leases and permits under Section 302 of Federal Land Policy and Management Act and for airport leases under the authority of the Act of May 24, 1928, as amended.

Management Direction LD-2-a. Land use lease or permit applications and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable.

Compliance with NEPA

NEPA Document: Las Vegas Valley Disposal Boundary Final EIS and ROD	Date Approved: December 2004
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The proposed Land Use Authorization is in conformance with the Las Vegas Valley Disposal Boundary as approved by the Final Environmental Impact Statement and Record of Decision, December 2004 because:

“The analysis contained in the FEIS is site specific for all lands falling within a rights-of-way alignment based on 10 acre parcels of BLM land. The analysis assessed impacts to all resources 100 feet inside the boundary and 100 feet outside the boundary of all 10 acre parcels, contiguous or not. These impacts are quantified in the FEIS to allow BLM to approve future land use authorizations provided the entire action falls within the site specific areas analyzed in the FEIS. Documentation of actual resources impacts caused by each project would be documented in the project record.”

The BLM will require mitigation and monitoring measures to minimize the impacts to resources caused by BLM authorized activities, including issuance of ROW grants, R&PP leases, permits, and licenses. The following measures will be implemented:

- (1) Requires holders of all ROW grants, R&PP leases, permits, and licenses that cause any surface disturbance to obtain and comply with dust control permits issued by the Clark County Department of Air Quality and Environmental Management.
- (2) Require holders of all ROW grants, R&PP leases, permits, and licenses that cause any surface disturbance to obtain and comply with storm water construction discharge permits and temporary discharge permits issued by the Nevada Department of Environmental Protection (NDEP). This will include implementing best management practices as defined by NDEP in the permit.
- (3) Implement the terms and conditions set forth in the Biological Opinion issued by the USFWS specific to the disposal actions. Lands transferred to private ownership will be subject to the terms and conditions of the Clark County Multiple Species Habitat Conservation Plan (MSHCP).
- (4) Bank the soil and collect the seed of the two-toned penstemon prior to land disposal.
- (5) Implement seed collection and salvage and relocation of bearpoppy and buckwheat, as deemed appropriate.
- (6) Prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer (SHPO) for the nine sites determined eligible for listing on the National Register of Historic Places and for lands within the boundaries of the Tule Springs National

Register Site. Place deed restrictions on the title to lands with these sites, as necessary, to implement the Treatment Plan before or after the land is sold.

(7) Implement specific measures to treat the paleontological resources, including:

- (a) Field recovery of exposed resources and associated contextual data identified during the field survey;
- (b) Implement data recovery program to identify and permanently preserve the resources including stabilization of large remains and screen washing of fossiliferous sediments to recover microfossil remains;
- (c) Conduct scientific analysis of recovered fossils, including interpretation of species abundance, diversity and age;
- (d) Preserve and curate recovered significant fossil resources, including all associated contextual data at the Nevada State Museum and/or at a federally recognized, accredited repository with long term retrievable storage; and,
- (e) Disseminate information on the resources including publication in professional journals, public presentations, classes, and other forms of outreach and education.

(8) Complete environmental site assessments for hazardous materials on specific parcels as the parcels are nominated for sale.

Specific mitigation measures for the CTA are expected as a result of the development of a conservation agreement. These measures will be defined collaboratively among the BLM, USFWS, NDF, Clark County Department of Air Quality and Environmental Management (representing the MSHCP), and the local governments, with input from members of the mitigation strategy committee. These specific mitigation requirements to protect sensitive resources will be included as a condition of any future land title transfer. The need for future site specific environmental impact analysis under NEPA for affected parcels in the CTA to address the mitigation measures developed under a conservation agreement is not precluded. The Notice of Realty Action for future land sales will include the specific mitigation requirements for applicable parcels in the CTA.

Categorical Exclusion

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9. E. Realty 12. Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

This categorical exclusion is appropriate for this action because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (see Appendix A).

Conclusion

I considered this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan(s) and that no further environmental analysis is required.

Acting Philip Rhenchait
Signature of Responsible Official
Vanessa L. Hice, Assistant Field Manager

1-13-16
Date

Contact

For more information, contact Luke Poff, BLM Realty Specialist, at lpoff@blm.gov.

Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

Table 1. Review of Extraordinary Circumstances

Does the proposed action:	Yes	No	Rationale
Have significant impacts on public health or safety.		X	The proposed action is a renewal with no further rights authorized, this administrative action would not have impacts on public health or safety.
Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X	There will not be significant impacts to historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X	The proposed action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.
Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X	The proposed action will not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks.
Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X	The proposed action will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X	The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X	The BLM Archaeologist has determined that this undertaking is exempt from Section 106 of the National Historic Preservation Act as set forth in Appendix A.1 of the 2012 State Protocol Agreement with the Nevada State Historic Preservation Office (SHPO): “Issuing permits, rights-of-way, or NEPA decisions where no new surface disturbance is authorized, such as power line/transmission line ROW renewals, communication site ROW renewals, road ROW renewals, pipeline ROW renewals, aerial seedings, the reintroduction of native or endemic species.” No further evaluation is necessary; the undertaking has no potential to affect historic properties.

Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat.		X	This project must comply with section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.) for consultation with the USFWS on effects to federally listed species. The above action has a may affect, likely to adversely affect determination for the federally threatened desert tortoise (<i>Gopherus agassizii</i>), and a no effect determination for its designated critical habitat, as the project is outside of this range. This project will have no effect on any other federally protected species or designated critical habitat due to the species/habitat not present in the action area.
Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X	The proposed action will not violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X	The proposed action will not adversely or disproportionately impact minority populations, low-income communities, or Tribes (see Section 3.19 and EO 12898, Environmental Justice). No group of people, including racial, ethnic, or socioeconomic group would bear a disproportionate share of the negative environmental consequences resulting from the proposed action.
Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X	The proposed action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X	No new impacts are expected. For any operations and maintenance activities follow weed plans, stipulations or requirement where appropriate. In particular, adhere to TERMS AND CONDITIONS for ROWs: BO File No. 84320-2010-F-0365.R003 RPM 3, "Weed prevention—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species."